

Senate Bill No. 610

Passed the Senate January 30, 2008

Secretary of the Senate

Passed the Assembly June 26, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 804 of the Penal Code, relating to criminal proceedings.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, Corbett. Criminal proceedings: commencement.

Existing law provides that prosecution for an offense is commenced when any of certain things occurs, including when a complaint charging a felony is filed or a case is certified to the superior court.

This bill would instead provide that a prosecution for a felony offense is commenced when the defendant is arraigned on a complaint that charges the defendant with a felony.

The people of the State of California do enact as follows:

SECTION 1. Section 804 of the Penal Code is amended to read:

804. Except as otherwise provided in this chapter, for the purpose of this chapter, prosecution for an offense is commenced when any of the following occurs:

- (a) An indictment or information is filed.
- (b) A complaint is filed charging a misdemeanor or infraction.
- (c) The defendant is arraigned on a complaint that charges the defendant with a felony.
- (d) An arrest warrant or bench warrant is issued, provided the warrant names or describes the defendant with the same degree of particularity required for an indictment, information, or complaint.

Approved _____, 2008

Governor